

SENATE BILL REPORT

SB 6436

As Reported By Senate Committee On:
Human Services & Corrections, February 01, 2008

Title: An act relating to requiring federal name-based criminal history record checks when a child is placed in out-of-home care in an emergency situation.

Brief Description: Requiring federal name-based criminal history record checks when a child is placed in out-of-home care in an emergency situation. REVISED FOR SUBSTITUTE:
Requiring background checks of foster parents when a child is placed in out-of-home care.

Sponsors: Senators Hargrove, Stevens, Shin, Kohl-Welles and Rockefeller; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Human Services & Corrections: 1/18/08, 2/01/08 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6436 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

Staff: Kevin Black (786-7747)

Background: Following passage of ESSB 5774 in the 2007 session, the Department of Social and Health Services (DSHS) was granted provisional permission to request federal name-based criminal history background checks from the National Crime Information Centers (NCIC) database when an emergency situation requires immediate placement of a child in out-of-home care. By letter dated July 18, 2007, the federal Office of General Counsel has stated that DSHS' continued access to name-based criminal history background checks is conditional on passage of legislation by the end of March 2008. DSHS has agreed to follow the procedures described in this bill during the provisional period.

Summary of Bill (Recommended Substitute): In an emergency situation requiring a child to be placed in out-of-home care due to sudden unavailability of a child's primary caretaker, DSHS must request a name-based criminal history background check of each adult residing in the home where the child is to be placed. DSHS must provide a complete set of fingerprints for each adult to the Washington State Patrol within 14 days. If an adult refuses to provide fingerprints and written consent for the background check, the child must be immediately removed from the home.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

As part of the application process for a license to serve as a foster parent, DSHS must confirm that the applicant is a United States citizen or has legal permission to be in the United States.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): Adds requirement that DSHS confirm that an applicant to be a foster parent is a United States citizen or has legal permission to be in the United States.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Thanks to the committee for its hard work last year on ESSB 5776. We thought everything had been covered in that bill, but now the Office of General Counsel is requiring this additional legislation in order to continue background checks. The background checks are important to the safety of children.

Persons Testifying: PRO: Cheryl Stephani, Children's Administration, DSHS.